



61

AF/165.3/B

PATENT
ATTORNEY DOCKET NO.: 046124-5001-US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Masahiro IWAMOTO, *et al.*)
)
Application No.: 09/902,772) Group Art Unit: 1653
)
Filed: July 12, 2001) Examiner: Schnizer, Holly G.
)
For: CELL CALCIFICATION SUPPRESSING)
PROTEINS AND GENES OF THE)
PROTEINS)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

03/24/2004 YPOLITE1-00000104-500310-09902772

02-FC:1253

950-00 DA

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Reply to Office Action Under 37 C.F.R. §1.116 in response to the Office Action dated September 23, 2003.
2. Additional Documents Attached::

NOTICE OF APPEAL

1. Copy of LipofectamineTM Reagent (pp. 1-2)
2. Copy of *Ex parte Clark et al.*
3. Copy of *Ex parte Cole et al.*
4. Copy of *Ex parte Charoenvit et al.*
5. Copy of *Ex parte Siler-Khodr*
6. Copy of Symes, J.F., Am. J. Cardiovasc Drugs, 1(3):159-66 (2001) (Abstract)
7. Copy of Herzog, *et al.*, Expert Rev. Cardiovasc. Ther., 1(2):215-232 (July, 2003) (Abstract)
8. Copy of Monahan, *et al.*, Gene Ther., 5(1):40-9 (January, 1998) (Abstract)
9. Copy of Morini, *et al.*, Gene Ther., 11(3):284-91 (February, 2004) (Abstract)

10. Copy of Song, *et al.*, Gene Ther., 11(2):181-6 (January, 2004) (Abstract)
11. Copy of Wang, *et al.*, Sheng Li Xue Bao., 55(6):641-647 (December 25, 2003) (Abstract)
12. Copy of Cottard, *et al.*, Gene Ther., 7(22):1930-9 (November, 2000) (Abstract)
13. Copy of Kim, *et al.*, Gene Ther., 10(18):1543-50 (September, 2003) (Abstract)
14. Copy of Yang, *et al.*, Zhonghua Yi Xue Za Zhi, 82(14):990-4 (July 2002) (Abstract)
15. Copy of Dreja, *et al.*, Arthritis Rheum., 43(8):1698-709 (August, 2000) (Abstract)
16. Copy of Ijima, *et al.*, Hum. Gene Ther., 12(9):1063-77 (June 2001) (Abstract)
17. Copy of Prud'homme G.J., J. Gene Med., 2(4):222-32 (July-August, 2000) (Abstract)
18. Copy of Kessler, *et al.*, Proc. Natl. Acad. Sci. USA, 93(24):14082-7 (November, 1996) (Abstract)

2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: **\$950.00.**

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus			x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))		minus			x \$86 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$

5. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Charge Deposit Account No. 50-0310 in the amount of **\$950.00** for three months extension.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Michael J. Tuscan
By: *Michael J. Tuscan*
Reg 43,240

Bonnie Weiss McLeod
BW Reg. No. 43,255

Dated: March 23, 2004

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 739-6150
Facsimile: (202) 739-3001